

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL SCOTT OLD PERSON,

Defendant.

CR-02-140-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on November 8, 2019. (Doc. 134.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 7, 2019. (Doc. 129.) The United States accused Old Person of violating his conditions of supervised release: 1) by knowingly being in the company of a child under the age of 18 without the prior approval of his probation officer; 2) by failing to successfully complete his sex offender treatment program; 3) by failing to follow the instructions of his probation officer; and 4) by possessing a device that was capable of accessing the internet without the prior approval of his probation officer. (Doc. 127.)

At the revocation hearing, the government satisfied its burden of proof with respect to alleged violations 2, 3 and 4. (Doc. 129.) The government proved that Old Person had violated the conditions of his supervised release by 2) by failing to successfully complete his sex offender treatment program; 3) by failing to follow the instructions of his probation officer; and 4) by possessing a device that was capable of accessing the internet without the prior approval of his probation officer. The government withdrew alleged violation 1. Judge Johnston found that the violations the government proved are serious and warrant revocation, and recommended that Old Person be incarcerated for 6 months, with 54 months of supervised release to follow. (Doc. 134.)

The violations prove serious and warrant revocation of Old Person's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 134) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant David Lee Armitage be incarcerated for a term of 6 months, with 54 months of supervised release to follow.

DATED this 12th day of December, 2019.



Brian Morris
United States District Court Judge